

EXHIBIT B

08:21

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RAYMOND ALBERT RODRIGUEZ)
PLAINTIFF,)

vs.)

CASE NO. 4:14-CV-00968

08:21

ELI LILLY AND COMPANY; LILLY)
USA, LLC; AND JULIA DAWN)
RAMOS)
DEFENDANTS.)

08:21

ORAL DEPOSITION OF

THOMAS BILLS

February 6, 2015

08:21

ORAL DEPOSITION OF THOMAS BILLS, produced as a
witness at the instance of the Plaintiff and duly sworn,
was taken in the above-styled and numbered cause on the
16th day of February, 2015, from 9:25 a.m. to
11:23 a.m., before Cindi L. Bench, Certified Shorthand
Reporter in and for the State of Texas, reported by

08:21

computerized stenotype machine at the offices of JACKSON
WALKER, LLP, 1401 MCKINNEY, SUITE 1900, HOUSTON, TEXAS
pursuant to the Federal Rules of Civil Procedure and the
provisions stated on the record or attached hereto.

09:32 1 one of the symptoms of that is to be forgetful, to be
2 absent-minded and also to show up late. I think I was
3 four minutes late today, sorry about that. But I just
4 want to -- I'm telling you everything. Full disclosure.

09:32 5 Q. So, if I start asking you about the time that
6 Mr. Rodriguez worked for you, would you be able to
7 remember any of that today?

8 A. Oh, yes. See, it's kind of a double-edged
9 sword because I have a very good memory. I've had that
09:32 10 all my life, semi-photographic, and it's just the PTSD
11 that gets in the way sometimes.

12 Q. Okay. How are you feeling today?

13 A. Feel okay. You know, my back is a little
14 tender. I had back surgery on the 12th of January, so
09:33 15 this is my first real time out of the house.

16 Q. Sir, where are you currently employed?

17 A. Eli Lilly and Company.

18 Q. How long have you worked for Eli Lilly and
19 Company?

09:33 20 A. Fifteen years.

21 Q. What is your current position with Eli Lilly?

22 A. I'm a senior district sales manager. I'm the
23 specialty diabetes district manager for the Houston
24 area.

09:33 25 Q. Okay. At any point in the past -- well, are

09:35 1 late. That was way too late.

2 So, I didn't call Ray but I called a
3 person who came onboard with him at the same time and
4 said when did -- when did I hire you.

09:35 5 Q. Okay. All right. But you did prepare -- so,
6 when you say you looked up dates, what did you look at?
7 What documents did you look at?

8 A. I didn't look at any documents. I just called
9 people, just -- I wanted to know, you know, I wanted to
09:35 10 make sure I had my dates right.

11 Q. Sure. What -- who did you talk to?

12 A. I didn't want to look stupid.

13 Q. I appreciate that.

14 Who did you talk to? You said you called
09:35 15 people.

16 A. Just Todd Dorsey.

17 Q. Who is Todd Dorsey?

18 A. He's a rep that I hired at the same time as --
19 as Ray. They went through sales school together.

09:36 20 Q. D-O-R?

21 A. S-E-Y.

22 Q. And then you -- so, you got to know Ray from
23 this group?

24 A. Uh-huh.

09:36 25 Q. At that point -- at what point did you -- did

09:36 1 he start working for you and how did that come about?

2 A. Well, he -- he started working for me
3 officially in -- his official start date was June 1st,
4 of 2012, and that came about with some movement in my

09:37 5 district. People moving on to rolls in Indianapolis and
6 rolls within the company, and that created -- and then
7 some reorganization in our business.

8 We went from having basically one rep in
9 each territory to having a rep in each territory and
09:37 10 then an overlap rep. So, they were called PC1s that
11 were the original territory reps, and then PC3s which
12 were covering two territories. So a two-territory
13 overlap.

14 Q. Okay.

09:37 15 A. And when I had a person move out of the PC3
16 terr -- I moved Sharelle Lee out of the PC3 territory,
17 which was the large covered territory. I moved Ray into
18 the PC3, the cover two territory that covered -- what
19 was the name of Sharelle's territory? I don't remember.

09:38 20 Anyway, she had a northern territory and the other one
21 is called Pasadena.

22 Q. Okay.

23 A. I don't know the name of that territory.

24 Q. So, when did he -- so, he started working for
09:38 25 you June 1st, 2012?

09:41 1 Q. So, every person that would sell Humalog would
2 have a refrigerator at their home?

3 A. Could be at their home, could be at a storage
4 space. We're flexible with the employees. We realize
09:41 5 that no everybody's house is big enough to accommodate
6 another refrigerator. It cannot be out in the garage,
7 because that's not climate controlled obviously. It has
8 to be inside the house.

9 Q. So, how would -- if there was a fridge --
09:41 10 well, let me back up. Let me keep with this.

11 If there was a fridge in an employee's
12 house, how would the company monitor that the
13 temperature is acceptable inside the fridge?

14 A. Well, Ray came out --

09:42 15 Q. Go ahead.

16 A. Just anybody?

17 Q. Yes. The people that report to you.

18 A. Well, there's kind of a split right now.

19 Q. Okay.

09:42 20 A. The one way that they monitor it is we do
21 inspections through a vendor company, they inspect both
22 the refrigerator and the temperature. And they do
23 inventories, you know, spot-check inventories.

24 Q. Is that every day?

09:42 25 A. No, it's done I believe quarterly and then

09:42 1 annually.

2 Q. Okay.

3 A. And then the other way is some of my people
4 who came out after a certain date, when the company
09:42 5 started fielding the system called Temp-Tell, have --

6 have this little device. It's a digital temperature
7 gauge that hangs in their fridge, and it's designed to
8 ensure that the temperature stays within a range, an
9 acceptable range. And they're supposed to check that
09:43 10 every day before they take the samples out.

11 If there's an alarm, which it doesn't
12 have an audible alarm -- it's not a very good system.
13 There's no audible alarm, it's just on a screen. And
14 the -- then they're not supposed to sample that day,
09:43 15 take that Temp-Tell, it's a USB key, plug it into their
16 computer, download that information and send it to
17 corporate so that our, you know, quality assurance
18 people can read the ranges of the temperatures and
19 determine whether or not the insulin can be distributed.

09:43 20 Q. Okay. That's every day?

21 A. Yeah.

22 Q. So, currently how many -- can we call them
23 pharmaceutical sales reps?

24 A. Yes.

09:43 25 Q. Okay. How many pharmaceutical sales reps --

09:44 1 is there an abbreviation that we could use?

2 A. How many reps.

3 Q. Reps. How many reps do you have currently
4 reporting to you?

09:44 5 A. I have 16.

6 Q. When Mr. Rodriguez worked for you, was he a
7 rep?

8 A. Yes.

9 Q. He worked for you for approximately, what, one
09:44 10 year?

11 A. Uh-huh. Yes.

12 Q. So, do you remember when he was transferred
13 over?

14 A. He was transferred over on July 1st of 2013.

09:44 15 Q. So, exactly one year or pretty close to one
16 year?

17 A. Year and a month.

18 Q. July 1st?

19 A. Yes.

09:44 20 Q. So, the 16 people that you have currently
21 working for you, do they all store samples of Humalog or
22 insulin?

23 A. Yes.

24 Q. All of them do?

09:45 25 A. Yes.